

**MINORITY VIEWS ON H.R. 4975, THE “LOBBYING ACCOUNTABILITY
AND TRANSPARENCY ACT OF 2006”**

The markup of H.R. 4975 this Committee held on April 5, 2006 was one of a number of hearings and markups the House of Representatives held in the early months of 2006 on the subject of Congressional corruption, which the Majority has very carefully named “Lobbying Reform.” The three hearings Chairman Dreier conducted in the Rules Committee on this topic allowed us to consider a number of different viewpoints and develop a solid committee record. We appreciate Chairman Dreier’s willingness to conduct these hearings and sincerely hope he will continue this spirit of deliberation when the Rules Committee takes up the rule for H.R. 4975. We urge the Committee to report a rule that will allow the House to conduct an open and unrestricted debate on this crucial issue. The first step we can take to restore the American people’s confidence in their legislative branch is to show them we are carefully considering every reform idea. All of the serious reform proposals both Democrats and Republicans have put forward over the past few months deserve full consideration on the House floor.

We oppose this bill in its current form because it pretends that the degradation of the legislative process and ethical standards in the House of Representatives we have all witnessed over the past few Congresses can be solved with a few narrowly-targeted fixes. By proposing this legislation, Republicans are telling a seriously ill patient to take two aspirin and call them in the morning. As the outside experts testified at our hearings, and as a multitude of editorial writers, bloggers, and other commentators have observed, the current Congress is suffering from a systemic illness that affects every aspect of its operations. We do not believe that a piecemeal response to the scandals that have tarnished the reputation

of the House over the past few years is a credible one. A more serious, more comprehensive proposal to reform Congress would address the procedural abuses that have flourished in the past few years and allowed special interests to capture the legislative process. It would also restore accountability and enforcement to the moribund House ethics process. Most importantly, it would demand that Members and staff renew their commitment to serving the people who sent them to Congress and restoring Americans' faith in the "People's House."

Finally, we must note with disappointment that while Chairman Dreier and the Republican leadership talked constantly about crafting a "bipartisan" reform proposal, H.R. 4975 is a Republican bill. It does not include any of the major policy ideas put forward by Rules Committee Democrats (H. Res. 686), Minority Leader Pelosi (H.R. 4682), or senior Democratic Representatives Obey, Frank, Price, and Allen (H. Res. 659). Furthermore, as the record of our markup demonstrates, bipartisanship ended with the opening statements. During the hearing, Democratic Rules Committee Members offered 12 separate amendments we believed would strengthen the bill and create a more credible reform package. As the record shows, our twelve proposals did not garner even one vote from our Republican colleagues on the Rules Committee. As we have pointed out before, merely calling a process "bipartisan" does not make it so.¹

1. "Lobbying Reform" – Broad Problem, Narrow Solution

We think the name the Majority has given to this effort and to this legislation (the "Lobbying Accountability and Transparency Act of 2006") is very revealing. First of all, by calling their effort "lobbying reform," Republicans are suggesting that responsibility for the

¹ See our Minority Views in House Report 109-220, Part 1, *Establishing the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*.

corruption scandals that have plagued the House in the 109th Congress lies not with elected Members of Congress, but with the people who lobby them. Their argument seems to be that if you tweak a few rules governing the lobbying profession, the ethics controversies that have clouded the 109th Congress will go away. If now-convicted lobbyist Jack Abramoff had simply been required to disclose his activities four times a year and disclose more information about his political activities, supporters of this bill seem to be saying, he would not have been able to operate his criminal conspiracy in and around Congress.

But rapacious lobbyists are only part of the problem. As Ranking Member Slaughter observed at one of our hearings: “Lobbyists, after all, can only knock on the door. Members are the ones who have to open it.” Or as the editorial page of the Spokesman Review in Spokane, Washington recently put it: “Congress continues to spin this as a lobbying issue, but it takes two to do the influence tango.”² In other words, Jack Abramoff was able to demand and receive unconscionable fees from his clients because they believed he had access to the decision-makers in Congress. The USA Today editorial board made this same point in an editorial written earlier this year:

What is most shocking in the Abramoff case is not that he would want to make a fortune and spread it around to gain power and influence. It is that so many members of Congress would be so quick to accommodate him.³

While we wholeheartedly support lobbying reform, we feel the authors of H.R. 4975 have confused cause with effect---the key to restoring the people’s trust in their Congress is restoring “accountability and transparency” to the way we do our own business. According to an April 10th Washington Post-ABC News poll, only 38% of Americans approve of the way the Congress is doing its job---our lowest approval rating in 10 years. They have figured

² Spokesman Review (Spokane, WA) editorial, “Kick the Habit,” April 3, 2006.

³ USA Today editorial, “Lobbyist’s Plea Likely to Expose Seamy Underside of Congress,” Jan. 4, 2006.

out that Congress spends most of its time these days working to help special interests, rather than the public interest. Increasing disclosure requirements for lobbyists and preventing them from flying with Members of Congress on corporate jets are perhaps positive steps, but they will do little to change our constituents' current attitude towards the legislative branch. Congressional reform, not lobbying reform, is the key to restoring the Americans' confidence in the people's House. As our colleague, Representative David Price, observed in his Rules Committee testimony, "a debate focused only on lobbyist disclosure and travel and gift rules risks missing the forest for the trees."⁴ Another Committee witness, Thomas Mann of the Brookings Institution, made this point to us during our March 2nd hearing. He testified:

All professional groups, including lobbyists, can benefit from higher ethical standards and self-regulation. But I think it is a mistake to assume the broader problem is one of their own making. The Congress would be well advised to focus on its own Members and staff, for its leaders to articulate and champion high ethical standards in dealing with lobbyists and to set up educational programs whereby those inside Congress are assisted in meeting those standards, and to establish effective systems of transparency and enforcement.⁵

Dubbing this legislation "lobbying reform" also suggests the current rules governing Members and staff members are not adequate to regulate their behavior. While we have proposed a number of reforms that we feel will improve the accountability of the Congress to our constituents, we also must point out that there are already a number of statutes and rules setting standards for Members' behavior and regulating our relationships with registered lobbyists. Moreover, as attorney Robert Bauer reminded us at our March 9th

⁴ *Lobbying Reform: Accountability Through Transparency, Original Jurisdiction Hearing before the House Committee on Rules* [hereinafter March 30th Lobbying Reform Hearing], 109th Congress (March 30, 2006) (statement of the Honorable David Price); available at:

http://www.rules.house.gov/techouse/109/lobref/Accountability/109_lob_ref_oj_3_trans.htm.

⁵ *Lobbying Reform: Accountability Through Transparency, Original Jurisdiction Hearing before the House Committee on Rules* [hereinafter March 2nd Lobbying Reform Hearing], 109th Congress (March 2, 2006) (statement of Dr. Thomas Mann, Ph.D.); available at: http://www.rules.house.gov/techouse/109/lobref/109_test_lob_ref_oj.htm

hearing, our ethics rules require us to not only follow their “black-letter” requirements; they also command us to “observe their spirit as well as their letter.” The Code of Official Conduct requires Members and staff not only to follow the rules, but also to avoid actions (even lawful ones) that would discredit the House.⁶

It is painfully obvious to all of us that the current ethics scandals occurred because some Members and staff lost sight of their obligation to observe the spirit of our rules. Because Article I of the Constitution gives Congress the exclusive authority to govern the conduct of and discipline its Members, the House is a self-governing body. It is ultimately our responsibility to create, and then honor, rules of conduct that inspire confidence in the American people that their elected representatives are acting in our country’s best interest. Perhaps the most effective “lobbying reform” would be a new commitment by Members and staff of the House to conduct themselves “at all times in a manner that shall reflect creditably on the House,” as we are required to do under clause 1 of Rule XXIII.

A number of witnesses before the Rules Committee made this same point---plenty of good rules already exist, but they are useless if the House does not enforce them. Professor James Thurber urged us to “strengthen the enforcement of existing laws and ethics rules that cover Members of Congress, staff, and lobbyists.” He described the committees that oversee the current rules as “moribund” and proposed the following:

At a minimum the Congressional committees with jurisdiction over lobbying and ethics must hold regular oversight hearings, investigate allegations of existing ethics and lobbying law violations, and hold regular training sessions for Members of Congress and staff about existing rules and standards of conduct.⁷

⁶ *Lobbying Reform: Reforming the Gift and Travel Rules*, Original Jurisdiction Hearing before the House Committee on Rules [hereinafter Gift and Travel Reform Hearing], 109th Congress (March 9, 2006) (statement of Robert Bauer); available at: http://www.rules.house.gov/techouse/109/lobref/travel/109_test_lob_reftravel_oj.htm.

⁷ March 2nd Lobbying Reform Hearing (statement of Dr. James Thurber, Ph.D.).

Former Representative James Bacchus reminded us that “Rules without the resources to make them real are but empty promises.”⁸ On the issue of gift ban limits, Professor Thurber testified that the House does not need to change the limits, rather “it needs to effectively oversee and enforce the existing gift ban rules.”⁹ Our Republican colleague, Representative Heather Wilson, made exactly the same point a few weeks later when she testified: “The problem with the gift ban isn’t the limit, it is the failure to enforce the gift rule effectively.”¹⁰ On Member travel rules, Professor Thurber offered the following thought:

Congress does not need to prohibit the support of legitimate educational travel by Members and staff; it needs to enforce existing rules and ban non-educational travel for Members of Congress and staff. Obviously, the appropriate travel would not be, for example, an eight-day golf trip to St. Andrews that happened to include a one hour meeting or lecture.¹¹

During our markup, Representative Hastings of Florida offered an amendment (amendment # 11) that would have reinforced the current House rules that allow Members to take educational trips sponsored by private entities that are truly education in nature. His proposal to require the Ethics Committee to pre-approve groups for privately-funded travel and to require Members and staff to more fully disclose their travel itineraries was intended to clarify the common-sense difference between education travel and travel that involves playing golf with lobbyists. The Hastings amendment was consistent with the almost unanimous view we heard from Members and outside experts that legitimate educational travel helps Members deepen their knowledge of important issues and forge relationships with their House colleagues. Unfortunately, Rules Committee Republicans rejected this proposal on party-line 3-9 vote, and instead supported a temporary travel moratorium

⁸ March 2nd Lobbying Reform Hearing (statement of the Honorable James Bacchus).

⁹ March 2nd Lobbying Reform Hearing (statement of Dr. James Thurber, Ph.D.).

¹⁰ March 30th Lobbying Reform Hearing (statement of the Honorable Heather Wilson).

¹¹ March 2nd Lobbying Reform Hearing (statement of Dr. James Thurber, Ph.D.).

(section 301) that kicks the issue of privately-funded travel down the road until after the November elections by banning all travel (educational or not) until December 15, 2006.

We must also point out that H.R. 4975 does not fix all of the problems it claims to fix, nor close all of the loopholes it claims to close. For example, while section 303 of the bill prohibits lobbyists from flying with Members of Congress on corporate jets, it still allows Members of Congress to fly on these private jets at the cost of a first-class ticket on a commercial airline. While Section 304 of the bill requires gifts of tickets to sporting events, concerts, or theater performances to be valued at their “face value,” it does not require the tickets to be valued at the price a member of the public would pay for the same ticket. During the markup, Representative McGovern offered two amendments that would have fixed these problems and applied the laws of economic supply-and-demand to Members of Congress. One of his amendments (amendment # 9), which was defeated on a party-line vote of 4-9, would have valued a ticket for entertainment according to what it would cost a member of the general public. His other amendment (amendment # 8), again defeated by a party-line vote of 4-9, would have required Members of Congress to pay the same amount to fly on a private jet as it would cost a member of the general public to fly on a corporate-owned or chartered jet. This amendment also would have required Member to disclose who owns the jet and the names of the people who accompanied him or her on the flight.

The section of the bill addressing earmarks (section 501) also appears to be less than airtight. While H.R. 4975 claims to address the proliferation of earmarks in the legislative process, the bill as it is currently written will not touch many bills that contain provisions specifically targeted to benefit individual persons or small groups. While the current version of the bill requires appropriations bills to list earmarks and the names of their sponsors in

the text of the bill or accompanying report, it does not address the increasingly common earmarking that occurs in authorizing committees. As Ranking Member Obey pointed out in his March 30th testimony, the 2005 transportation authorization bill contained more than 5,000 earmarks totaling more than \$24 billion, while last year's FSC-ETI tax bill contained billions of dollars of narrowly targeted tax benefits to aid special interests such as horse race tracks and fishing tackle box manufacturers. To correct this oversight, Representative Hastings of Florida offered an amendment (amendment # 10) requiring Members to disclose their earmark requests for any type of bill, not just appropriations legislation. Unfortunately, Rules Committee Republicans rejected this amendment to broaden the earmark disclosure process.

Finally, in the past few days, we have learned that Republican leaders have blocked bipartisan improvements the Judiciary Committee made to H.R. 4975 during its markup of the lobbying disclosure sections of the bill. The Committee Print posted on the Rules Committee website on Friday, April 21, 2006 removed and/or watered down several Democratic and bipartisan amendments the Judiciary Committee adopted that required lobbyists to disclose more of their fundraising activities. In other words, the Republican leadership unilaterally blocked a bipartisan idea to improve lobbyist disclosure (the stated goal of this legislation). Mr. Fred Wertheimer, President of Democracy 21, who participated in our March 2nd hearing, commented on this change, "House Republican leaders have turned an already unacceptable lobbying and ethics bill into a complete joke."¹²

2. A House Without Ethics

¹² Elana Schor, "Watchdog Groups Blast House Lobby Reform Bill," The Hill, April 25, 2006.

It was amazing after the 2004 election we considered repealing the rule requiring a Republican leader to step down if indicted. Next, we proceeded to remove the members of the Ethics Committee who had voted to hold our former Majority Leader accountable for his actions. And then, we proceeded to make it more difficult to initiate an Ethics Committee investigation. It is clear to me power corrupts and absolute power corrupts absolutely. We need bold action. We need bold reform.

---Representative Christopher Shays, Testimony before the House Rules Committee, March 30, 2006 ¹³

Although H.R. 4975 treads lightly around the subject, it is obvious to all observers of Congress (including many who testified before our Committee) that one of the major problems in the 109th Congress has been the failure of the Committee on Standards of Official Conduct (the Ethics Committee) to enforce our Code of Official Conduct (codified at Rule XXIII of the current House rules). During his testimony before the Rules Committee on March 2nd, Mr. Fred Wertheimer, the President of Democracy 21, did not mince his words. He said:

The performance of the House ethics committee, in particular, is its own scandal. During the entire year of 2005, the House ethics committee was not even functional. This failure of the Committee to be able to operate for an entire year is unprecedented and demonstrates a complete breakdown of the process in the House for overseeing and enforcing House ethics rules.¹⁴

It was a particularly bad year to operate without an Ethics Committee, since 2005 was a year in which a number of new congressional ethical scandals came to light. One particularly embarrassing episode for the House was former Representative Randy “Duke” Cunningham’s pleading guilty in November 2005 to accepting more than \$2 million in bribes from defense contractors. While enterprising reporters from Cunningham’s hometown newspaper published story after story on his shady financial transactions through the spring and summer of

¹³ March 30th Lobbying Reform Hearing, (statement of the Honorable Christopher Shays).

¹⁴ March 2nd Lobbying Reform Hearing (statement of Mr. Fred Wertheimer).

2005, the Ethics Committee took no formal notice of the exploding scandal and conducted no investigation.

The failure of the Ethics Committee to investigate Cunningham's actions inspired a rare unity among government watchdog groups. Commenters across the ideological spectrum agreed that the Cunningham case demonstrated a total failure of the current Congress to police Members' behavior. As Tom Fitton, president of conservative Judicial Watch put it: "There is no ethics enforcement in Congress today, and it's inexcusable." Melanie Sloan, speaking on behalf of the liberal Citizens for Responsibility and Ethics in Washington commented, "No matter what level of corruption the members of Congress engage in, the ethics committees do nothing...It's a national embarrassment." Senator John McCain commented on Meet the Press: "I don't think the Ethics Committees are working very well. The latest Cunningham scandal was uncovered by the San Diego newspaper, not by anyone here...."¹⁵ A Roll Call editorial bluntly summed it up: "Let's face it: The Justice Department has become the de facto ethics police force for Congress."¹⁶ The editorial board of the Nashville Tennessean wrote:

"While federal prosecutors spent 2005 building cases against politicians, like Rep. Randy Cunningham, R-Calif., the House so-called Ethics Committee met once and did nothing. Surely members of Congress can understand that it is better for them to police their own members for ethics violations than to wait until those violations devolve into crimes, forcing prosecutors to come in to clean house."¹⁷

¹⁵ Jeffrey H. Birnbaum, "In a Season of Scandals, Ethics Panels Are on Sidelines," Washington Post, Dec. 5, 2005.

¹⁶ Roll Call editorial, "Ethics vs. Justice," December 7, 2005

¹⁷ Nashville Tennessean editorial, "Abramoff's plea signals need for real reforms, It's the whole system, not just one lobbyist, that has become corrupt," Jan. 5, 2006.

What sometimes gets lost in discussions about the breakdown of ethics enforcement in the 109th Congress is that it was not inevitable. The ethics shutdown was engineered by the House Republican leadership at the beginning of the 109th Congress in order to protect their Members from the scrutiny and accountability of the ethics process. Ethics enforcement was shut down in 2005 because the Majority launched an unprecedented, partisan attack on a process that the House has proudly protected from partisanship since it established the Ethics Committee in 1967. Key to this process is the structural bipartisanship of the Committee. It is made up of five Republican and five Democratic Members and is staffed by non-partisan professionals who are appointed only by majority vote of the Committee.

The attack started on the first day of the 109th Congress, when Republican leaders included several controversial “ethics reform” proposals in their new rules package (H.Res. 5). The ethics reforms that were forced through on the Opening Day of the 109th Congress on a party-line vote changed a key provision in the 1997 ethics rules that prevented Members of only one party from blocking ethics investigations. Under the 1997 rules, a validly filed complaint that the Committee does not act on within 45 days automatically goes to a subcommittee for investigation. The purpose of this rule (called the “automatic transmittal” rule) is to encourage committee Members to reach a bipartisan decision to either dispose of the complaint if it has no merit, or begin an investigation within 45 days. The knowledge that an investigation will automatically move forward if they do not act within the 45-day period, however, prompts quick action on a complaint.

By removing the 45-day default provision, Republican leaders knew that they were fundamentally changing the incentive structure created in the 1997 reforms. Eliminating the 45-day transmittal rule would allow committee Members from one party to “run out the

clock” on ethics complaints against Members from their own party. In other words, five members of the Committee (less than a majority of the 10-member committee) could force the dismissal of an ethics complaint simply by doing nothing. As a Roll Call editorial observed at the time, by jamming this rule change through on opening day, the Republican leadership “made it unmistakably clear that the House ethics process henceforward will be a partisan undertaking, not a bipartisan one.”¹⁸ After trying to defend this indefensible ethics rule change for several months, the Republican leadership of the House finally gave up and allowed the House, by an overwhelming 406-20 vote, to restore the 45-day rule to its 1997 version (H. Res. 240).

Even more outrageous was an ethics rule change that the Republican leadership had been forced to abandon by the time the House adopted its rules package on the first day of the 109th Congress. The week before the 109th Congress convened, GOP leaders had circulated a proposal to eliminate the most fundamental tenet and first rule of the House ethics code, namely that “A Member...shall conduct himself at all times in a manner that shall reflect creditably on the House.”¹⁹ The effect of this change would have been to turn a code of conduct based on each Member’s duty to behave in a manner worthy of the United States House of Representatives into a code of enumerated offenses. Members would be allowed to act in a way that brought discredit to the House, as long as they did not violate one of the “black-letter” ethics rules. As a Washington Post editorial explained this provision:

No matter how slimy a lawmaker's behavior, it couldn't be deemed an ethical violation unless the ethics committee could cite a specific subparagraph of a specific regulation that was breached.

¹⁸ Roll Call editorial, “Ethics Retreat,” Jan. 10, 2005.

¹⁹ House Rule XXIII, clause 1.

The editorial went on to point out that by eliminating this general principle of honorable conduct, the House was holding itself to a lower standard than it requires from members of the Armed Forces. Under the Uniform Code of Military Justice, soldiers can be court martialed for “all conduct of a nature to bring discredit upon the Armed Forces.”²⁰

It was no mystery why the House leadership was desperately struggling to water down the House ethics rules at the beginning of the 109th Congress. In the final months of the 108th Congress, the House Ethics Committee admonished then-Majority Leader Tom DeLay for 1) improperly promising political support in exchange for a vote on the Medicare bill, 2) appearing to link campaign contributions to proposed energy legislation, and 3) using Federal Aviation Administration resources to track down Texas legislators who opposed Representative DeLay’s Congressional redistricting plan. The effect of these admonishments was not to force Representative DeLay and the Majority leadership to pause and think about how they could modify their behavior to better conform with the House’s ethical standards; instead, they tried to lower the House’s ethical standards to make their unacceptable behavior acceptable.

In the months leading up to and following these ethics rules changes, the Republican leadership took several further steps to punish the people who dared stand up for the House Code of Conduct. Late in the 108th Congress, the Republican Conference repealed its internal rule prohibiting a Member from holding a leadership position if he or she were under indictment. This indictment rule,

²⁰ Washington Post editorial, “Rigging the Rules,” Dec. 31, 2004.

obviously intended to protect the job of then-Majority Leader DeLay, was reinstated at the beginning of the 109th Congress after a storm of criticism.

A GOP leadership decision that was not repealed, however, was the Speaker's February 2nd "Wednesday Afternoon Massacre" dismissal of Chairman Joel Hefley, and two other Republican Ethics Committee Members. According to Chairman Hefley, there was "a bad perception out there that there was a purge in the committee and that people were put in that would protect our side of the aisle better than I did."²¹ One of the first actions of the new Chairman, our Rules Committee colleague Representative Hastings of Washington, was to halt the Committee's ongoing investigations and dismiss the Committee's long-time non-partisan staff director and chief counsel.²² In spite of the Ethics Committee's rule that its staff be professional and nonpartisan,²³ Chairman Hastings then tried to unilaterally hire a long-time political aide as the committee's staff director.²⁴ Chairman Hastings' insistence on hiring a political aide to fill this key non-partisan position paralyzed the Committee's activities for months. In fact, the Committee did not fill its staff director position until November 2005.

During the Rules Committee markup of H.R. 4975, Representative Slaughter offered an amendment (amendment # 6) to prevent the disruption caused by the dismissal of the Ethics Committee's counsel at the beginning of the 109th Congress. Her amendment would have required a majority vote to dismiss a member of the Committee's non-partisan staff, which would therefore require the votes of Members

²¹ Roll Call editorial, "Ethics Odor," Feb. 9, 2005.

²² John Bresnahan, "Critics Slam Hastings' Dismissal of Ethics Staff," Roll Call, Feb. 17, 2005.

²³ Rules of the Committee on Standards of Official Conduct, 109th Congress, Rule 6(a).

²⁴ John Bresnahan and Ben Pershing, "Ethics Panel Finally; Ready to Hire Staff," Roll Call, July 5, 2005.

from both parties. The purpose of this amendment was to re-confirm the Ethics Committee's commitment to bipartisan decision-making. Unfortunately, Rules Committee Republicans rejected this amendment – as they rejected all of the amendments Democrats proposed – on a party-line vote of 4-9.

3. A House Without Rules

We also oppose this bill because it does almost nothing to address the procedural abuses that have become so commonplace in our legislative process. By dubbing this legislation “lobbying reform,” the Majority ignores the fact that one of the biggest problems currently plaguing the House is the breakdown of the deliberative process. They have chosen to ignore the obvious connection between the ethics scandals that have plagued the 109th Congress and the closed, undemocratic way in which the House has conducted its business over the past few years. A legislative process that does not allow open debate and provide opportunity for amendment on legislation, and instead allows small groups of House leaders and private interests to write the bills, is a process vulnerable to corruption and improper influence from lobbyists. Making the lobbying process more transparent will do little good if we do not act to make the legislative process more credible and transparent as well.

Although our colleagues in the Majority choose to ignore the connection between corruption and the lack of procedural fairness, it is obvious to outside observers. During our March 2nd hearing, for example, longtime Congressional scholar Dr. Norman Ornstein of the American Enterprise Institute testified:

The problem goes beyond corrupt lobbyists or the relationship between lobbyists and lawmakers. It gets to a legislative process that has lost the transparency,

accountability, and deliberation that are at the core of the American system; the failure to abide by basic rules and norms has contributed, I believe, to a loss of sensitivity among many members and leaders about what is and what is not appropriate. Three-hour votes, thousand-page-plus bills sprung on the floor with no notice, conference reports changed in the dead of night, self-executing rules that suppress debate along with an explosion of closed rules, are just a few of the practices that have become common and that are a distortion of the regular order.²⁵

Over the past few years, Rules Committee Democrats have carefully compiled a record of the procedural abuses that have unfortunately come to define the last several Congresses. In other venues, we have detailed how the number of closed and severely restricted rules has increased over time, thereby restricting the ability of both Democratic and Republican Members to debate, amend, and improve legislation. We have also documented how the Majority routinely jams large, complex conference reports through the House with just a few hours notice. At the same time it has severely limited deliberation on controversial issues, the House occupies more of its already short work week debating non-controversial suspension bills.²⁶ In spite of the promises they made to restore “deliberative democracy” when they took over the House in 1994, Republicans have taken unprecedented steps to quash debate and stifle “the full and free airing of conflicting opinions through hearings, debates, and amendments.”²⁷

During the markup of H.R. 4975, Democratic Rules Committee Members offered a number of proposals addressing the procedural abuses that have taken root in the House over the past few Congresses. Most of these proposals came from a rules reform package we introduced on February 16, 2006 (H. Res. 686) in response to Chairman Dreier’s promise to consider reform proposals in a bipartisan manner. Unfortunately, our reform proposals

²⁵ March 2nd Lobbying Reform Hearing (statement of Dr. Norman Ornstein, Ph.D.).

²⁶ See, for example, *Profoundly Un-Democratic: A Congressional Report on the Unprecedented Erosion of the Democratic Process in the House of Representatives and the Rise of the ‘Imperial Congress’ During the 108th Congress*, (March 2005), available at: <http://www.housedemocrats.gov/Docs/BrokenPromises.pdf>

²⁷ Rules Committee Republicans, *The Decline of Deliberative Democracy in the People’s House*, Congressional Record, Apr. 21 1993, p. H 1956.

did not make it into H.R. 4975. Furthermore, when we presented our ideas in the Rules Committee markup of H.R. 4975, Rules Committee Republicans voted all of them down on straight party-line votes. As we mentioned earlier in these views, a bipartisan process requires more than the constant repetition of the word “bipartisan.” Bipartisanship requires the majority party to seriously consider the minority’s ideas, to conduct a good-faith discussion of these ideas, and perhaps even adopt a few of them.

One of the procedural abuses we have repeatedly highlighted over the past few years is the Republican leadership’s use of the conference committee to jam unfamiliar (sometimes even un-read) material through the legislative process. House-Senate conferences are a critical part of the deliberative process because they produce the final legislative product that will become the law of the land. Although Members can follow and influence legislation as it moves through the committees and then to the House floor, the conference is where the final compromises are made and the final statutory language on the bill’s toughest issues is negotiated and drafted.

Since only a restricted group of House Members participates in conferences and because conference reports can contain significant policy changes from the House-approved version of a bill, the standing House Rules provide Members a number of protections against abuses during the conference process. Under these rules, House conferees are not permitted to adopt modifications outside the scope of the House-passed bill.²⁸ They must also comply with numerous provisions of the Congressional Budget Act of 1974. In addition, the standing House rules are designed to prevent the House from rushing a conference report to the floor for an up-or-down vote without giving Members the adequate time to understand the contents of the final product. Rule XXII requires the conference

²⁸ Rule XXII, cl. 9.

committee to hold at least one public meeting²⁹ and requires the conferees to attach a joint explanatory statement to the report that is “sufficiently detailed and explicit to inform the House of the effects of the report on the matters committed to conference.”³⁰ Perhaps most importantly, House rules require conference reports and explanatory statements to be available to Members for three days after publication in the Congressional Record.³¹ This three-day layover requirement is specifically intended to give Members time to read the conference report and weigh its merits before a final vote.

Over the past few years, we have repeatedly objected to the Rules Committee’s practice of granting “blanket waivers” to conference reports headed to the House floor. The effect of these waivers is to negate all of the protections the House rules give Members against abusive conferences. These blanket waivers strip the right of Members who did not participate in the conference to insist on regular order so they can have time to learn what is in the final conference report before they vote on it. As the statistics we have collected on the conference process so far in the 109th Congress show, Rules Committee Republicans have protected all 18 conference reports the House has considered with blanket waivers. Furthermore, they waived three-day layover on all but two of these conference reports (see appendix 2). The result is that House members are regularly forced to vote on major legislation totaling hundreds or even thousands of pages, sometimes only hours after the conference report has been presented in the House. Thanks to the blanket waiver, these conference reports may contain non-germane provisions and/or earmarks that have never been considered in the House or Senate. The results of this broken conference process are a

²⁹ Rule XXII, cl. 12(a)(1).

³⁰ Rule XXII, cl. 7(e).

³¹ Rule XXII, cl. 8(a)(1)(A).

number of embarrassing episodes that have made Congress an object of ridicule. Among the most notorious episodes were:

- The embarrassing provision Republican leaders slipped into the Homeland Security conference report at the end of the 107th Congress that protected Eli Lilly and a number of other pharmaceutical companies from civil liability for their production of the vaccine preservative Thimerosal.
- The notorious “greenbonds initiative” that appeared in the Energy Bill conference report in the 108th Congress, which turned out to be a subsidy to build a Hooters restaurant in Shreveport, Louisiana.
- The egregious provision in the Fiscal Year 05 Omnibus appropriations conference report that gave Congressional staffers access to the confidential tax returns of U.S. citizens.
- The provision in the Fiscal Year 2006 Agriculture Appropriations conference report that changed the regulations governing the organic food standards hundreds of thousands of American families rely on when buying their groceries.

The most notorious recent episode of conference report abuse occurred late last year during consideration of the FY 06 Defense Appropriations bill (H.R. 2863), the bill that funds our troops and military activities in Iraq and Afghanistan. During the conference negotiations, conferees agreed in principle to include funding that would allow the Department of Health and Human Services (HHS) to begin preparing a response strategy to the emerging threat of the avian influenza virus. During discussions on this provision in the conference, some conferees supported the addition of language that would exempt drug

manufacturers involved in creating avian flu countermeasures from liability, should their drugs injure people who took them. The conference did not accept this language because some conferees thought the exemption was too broad. According to the senior Democratic conferee, Appropriations Ranking Member David Obey, when the conference committee ended its session in the early evening on Sunday, December 18, 2005, there was an agreement “in writing and verbally as well, that there would be no legislative liability protection language inserted in this bill.”³² The 533-page conference report was signed at 6 P.M. that evening and filed in the House at 11:54 P.M. the same night.

At some point between the time the conference report was signed and the time it was filed, however, Republicans broke their word and the rules by slipping in 40 new pages of legislative text that not only exempted the producers of vaccines related to avian flu, but also gave the HHS Secretary discretion to exempt other pharmaceutical products from liability when they injure consumers. The 40-page proposal gives the Bush Administration broad new powers to exempt drug manufacturers from liability for a wide array of drugs that have nothing to do with an avian flu epidemic. It exempts these companies even if they acted with gross negligence. While the legislation promises an alternative compensation program, it provided no funding for such a program, which means that nurses, first responders and all other American citizens would be out of luck if they were harmed by an exempted drug.

According to Ranking Member Obey, here’s how this massive Christmas gift to the drug industry got into the bill:

But after the conference was finished at 6 p.m., Senator Frist marched over to the House side of the Capitol about 4 hours later and insisted that over 40 pages of legislation, which I have in my hand, 40 pages of legislation that had never been seen

³² Congressional Record, Dec. 22, 2005, p. H13181.

by conferees, be attached to the bill. The Speaker joined him in that assistance so that, without a vote of the conferees, that legislation was unilaterally and arrogantly inserted into the bill after the conference was over in a blatantly abusive power play by two of the most powerful men in Congress.³³

Republican appropriators tell the same story. A top aide to Senate Appropriations Chairman Thad Cochran said of the provision:

It was added after the conference had concluded. It was added at the specific direction of the speaker of the House and the majority leader of the Senate. The conferees did not vote on it. It's a true travesty of the process.³⁴

In other words, in the dark of night, the two top Congressional Republican leaders snuck an extremely controversial piece of legislation that had never been considered in the House or the Senate into an already signed conference report. Republican leaders decided to override the collective decision-making process of the Congress to slip in a gift to one of their most important political allies.

For this underhanded maneuver to succeed in the House, Republican leaders needed to protect this provision from the House rules it so blatantly violated. When the Rules Committee met later that night, Representative Hastings of Florida tried to strike the vaccine language from the conference report, but was defeated on a straight party-line vote of 4 to 9.³⁵ The rule protecting this provision (H. Res. 639) was reported from the Rules Committee about 1:00 a.m. and taken directly to the Floor for consideration pursuant to another rule that waived the 1-day layover requirement for consideration of the rule (H. Res. 632). The House passed this conference report shortly after 5:00 A.M. on the morning of

³³ Id.

³⁴ Bill Theobald, "Hastert, Frist Said to Rig Bill for Drug Firms; Frist Denies Protection Was Added in Secret," Gannett News Service, Feb. 9, 2006.

³⁵ Rules Committee roll call vote # 144, H. Rept. 109-361.

December 19, 2005, less than seven hours after the 40-page drug company giveaway had first appeared.

During the markup of H.R. 4975, we proposed a number of amendments to the House rules that would have protected House Members from such conference report abuses and restored some badly-needed deliberation to the conference process. Representative Matsui proposed adding a requirement (amendment # 12) that a conference committee conduct an open meeting and a roll-call vote to approve the final version of a conference report, while Representative McGovern (amendment # 7) proposed giving Members a point of order against the consideration of conference reports that have not been available to Members for three days. Unfortunately, both of these amendments seeking to restore Members' rights to know the contents of conference reports failed on party-line votes. Ranking Member Slaughter offered an amendment (amendment #2) that would have required any rule granting consideration of a conference report to list the items in the report that did not appear in the House or Senate versions of the bill. This "out-of-scope" disclosure requirement, which failed on a party line vote of 4-9, would have allowed Members to know which items (including earmarks) the conference had added to the bill at the last moment, and given them the opportunity to strike them.³⁶

Finally, in order to protect the House against the serious corruption of the conference process that occurred on the Defense Appropriations conference report last December, Ranking Member Slaughter proposed creating a point of order (amendment # 5)

³⁶ During the markup, Chairman Dreier incorrectly asserted that such a provision is already part of the House rules. As Chairman Dreier conceded, it has become the practice of the current Rules Committee to waive points of order against out-of-scope items when it grants rules for conference reports, but it is impossible for Members to learn which parts of the bill are actually in violation of the scope rule. Amendment #5 would rectify this problem by requiring the rule itself to list the out-of-scope items.

the Majority or Minority Leaders could raise if they believed the integrity of the conference report was in question. This amendment also failed on a party-line vote. During debate on this amendment, Chairman Dreier opposed it on the grounds that it set a vague and confusing standard, while Representative Bishop objected that the amendment did not provide a precise definition of “serious violation” of the conference rules. We would respond that if our colleagues do not think it was a serious violation of the conference rules to add 40 pages of controversial, new, out-of-scope legislative language to a report after the conferees had signed it, and only a few hours before it came before the House for a final vote, then we understand their “no” vote. For our part, we feel that House leaders should be able to bring such gross abuses to the attention of the House and give the House an opportunity to block a conference report written under these circumstances.

During the markup, Rules Committee Democrats proposed other rules changes that we felt addressed some of the procedural abuses that have recently undermined earlier stages of the legislative process. Representative Matsui offered an amendment (amendment # 13) that would have prevented the Rules Committee’s too common practice of gaming the one-day layover requirement of clause 6 of Rule XIII by reporting a rule early in the morning, adjourning the House, coming back in shortly thereafter in a new legislative day, then debating and passing the rule. Representative Matsui’s amendment would have required a 24-hour layover period, rather than a manipulated legislative day. Such a rule would guarantee Members at least 24 hours to read and understand a rule, in particular a rule that modifies the text of reported legislation or a rule that provides for consideration of a complex manager’s amendment that has been submitted to the Committee at the last moment.

On the very controversial issue of votes held open for longer than 15 minutes, Ranking Member Slaughter offered an amendment (amendment # 4) that would require greater disclosure of what is happening on the House floor during votes the Majority holds open for long periods. On a number of occasions in recent years, House Republicans have made national news by holding votes open for long periods while they begged, cajoled, or threatened enough Members to switch their votes to pass a bill. The most infamous long vote in recent memory was of course the three-hour late-night vote on the Medicare conference report during which Republican leaders and at least one Bush Administration official roamed the House floor offering political favors to Republican Members who would support the legislation. A Republican Member present at the scene commented, “It was an outrage. It was profoundly ugly and beneath the dignity of Congress.”³⁷ As the table below shows, in the 108th and 109th Congresses, Republicans have held votes open for periods significantly longer than 15 minutes on at least eight separate occasions.

**House Votes Held Open Beyond the Customary 17 Minutes
in the 108th and 109th Congresses**

Date	Bill/Vote Description	Length of Vote
November 17, 2005	Final Passage of Labor-HHS Appropriations Conference Report. Rejected 224-209.	36 minutes
October 7, 2005	H.R. 3893-Gas Act- vote began at 1:57 pm (a five minute vote) and was gavelled down at 2:43 pm) vote #519.	46 minutes (for a 5-minute vote)
July 27 & 28, 2005 (legislative day of July 27, 2005)	H.R. 3045-CAFTA the vote started at 11:00 pm on the 27 th and went on until 12:03 am) Vote #443.	63 minutes

³⁷ Mark Wegner, “Night Of House Drama Yields A Narrow Medicare Victory,” Congress Daily AM, Nov. 24, 2003.

July 8, 2004	Sanders amendment on PATRIOT Act to FY 2005 Commerce-Justice State Appropriations bill.	38 minutes
March 30, 2004	Motion to instruct conferees on PAYGO on the FY 2005 Budget Resolution.	28 minutes (on 5-minute vote)
November 22, 2003	Final Passage of the Conference Report on HR 1, the Prescription Drug bill.	3 hours. (during this vote, former Rep. Nick Smith claimed to have been offered a bribe by then Majority Leader Tom DeLay)
June 26, 2003	Final Passage of HR 1, the Prescription Drug bill.	50 minutes.
March 20, 2003	Final Passage of Budget Resolution.	26 minutes

Ranking Member Slaughter's amendment would not prevent the Speaker from holding a vote open for longer than 15 minutes (as is allowed under clause 2 of Rule XX), because there are sometimes legitimate reasons to extend votes (for example, Members are en route from the airport or stuck in an elevator). But if the Speaker is holding a vote open to bully Members or to change a vote outcome, the American people should be allowed to know what their Members of Congress were doing during the vote. The Slaughter amendment would require that a log be printed in the Congressional Record showing which Members voted after the initial 30-minute period and the time they voted. It would also list which Members switched their votes and the time they switched. As Chairman Dreier correctly stated during the Committee markup, current practices in the House do require a listing of any vote changes that occur during a vote. However, it requires no record of when these changes occurred and, in particular, no indication of when an initial vote was cast or when a vote was changed. Letting the public know what voting activity occurs after the 30-

minute mark is an important step in bringing more accountability and transparency to the voting process in the House.

Conclusion – An Opportunity Lost

If the markup of this legislation in the Rules Committee is any indication of the tone and process that will occur when we consider this bill again in the Rules Committee and on the House floor, then the Republican leadership has squandered a real opportunity to reform Congress. The American people have very accurately concluded that the current Congress acts not in their interests, but at the behest of special interests who have purchased access to the legislative process. While Republicans have had some success in labeling the scandals of the 109th Congress as “lobbying” scandals, Americans understand that at their core, they are Congressional scandals. They understand that lobbyists like Jack Abramoff would not have won access to the halls of Congress without the help of their friends on the inside.

As a result, a narrowly-targeted, watered-down set of reforms focused on “lobbyists” is just not enough to convince a skeptical American public that their representatives are finally committed to making Congress work again. A partisan process that excludes many reform ideas from the debate and that Republicans pushed through the process by party-line votes is likely to make them even more skeptical of the final product. We are disappointed that the Majority’s commitment to reform seems to be lacking, because restoring ethical standards and a truly deliberative lawmaking process to the House would be good for both parties, for this institution, and for our country.

Appendix 1
Rules original jurisdiction markup on H.R. 4975
Democratic amendments offered and Rejected

Slaughter-Amendment 2 (two part amendment)

Require an itemized list of any scope violations in the rule providing for consideration of a conference report (items that were not in either the House or Senate passed versions of the bill) and provides for a consideration point of order guaranteeing a vote when this rule is violated **and** provide a motion to strike items that are beyond the scope of a conference. **Rejected 4-9 party-line vote**

Matsui-Amendment 12

Require a roll-call vote, in an open meeting, on the final version of a conference report. **Rejected 4-7 party-line vote**

Matsui-Amendment 13

Use actual time (24-hours as opposed to one legislative day) to determine how soon a rule can be called up on the House Floor after it is reported from the Rules Committee. **Rejected 4-8 party-line vote**

Slaughter-Amendment 4

Require, whenever a recorded vote is held open for more than 30 minutes, that the *Congressional Record* include a log of the voting activity that occurs after that 30-minute time frame to show which Members voted after that time and which Members changed their votes during that period. **Rejected 4-9 party-line vote**

McGovern-Amendment 7

Whenever 3-day layover is waived against a conference report, it is in order for a Member to raise a point of order guaranteeing a vote to determine whether the House will consider the conference report. **Rejected 4-9 party-line vote**

Slaughter-Amendment 5

Create a new Majority/Minority leader point of order with a guaranteed vote that can be raised against consideration of a conference report where the integrity of the conference is in question. **Rejected 4-9 party-line vote**

McGovern-Amendment 8

Regulates Member travel on private jets by requiring Members to pay full charter costs when using corporate jets for official travel and to disclose relevant information in the *Congressional Record*, including the owner or lessee of the aircraft and the other passengers on the flight. **Rejected 4-9 party-line vote**

Hastings (FL)-Amendment 10 (strike section 501 and insert new language)

Mandates public disclosure of which Members sponsor earmarks and disclosure of whether Members have a financial interest in the earmark. Earmarks include authorizations, appropriations, and tax provisions. **Rejected voice vote**

Hastings (FL)-Amendment 11

Establishes pre-approval and disclosure system through the Standards Committee for privately-funded travel. **Rejected 3-9 party-line vote**

McGovern-Amendment 9

Clarifies that the “face value” of a ticket for the purposes of section 304 means the cost of that ticket if a member of the general public were purchasing it. **Rejected 4-9 party-line vote**

Slaughter-Amendment 6

To provide that staff on the Committee of Standards of Official Conduct can be dismissed only by an affirmative vote of the Standards Committee. **Rejected 4-9 party-line vote**

Appendix 2
109th Congress-Conference Reports in Rules-through April 6, 2006 - prepared by Rules' Democrats
E-Rule done as emergency measure
****All conference reports were given blanket waivers unless otherwise noted**
*** Rule done pursuant to this Rule waiving 2/3rds-clause 6(a) of Rule XIII**
3-day layover waived

Rule/Bill number/Title All conference reports were given blanket waivers except as otherwise noted	Date & Time Conference filed on Floor & Date and Time reported from Rules Committee	Date & Time passed on House Floor (time taken from Clerk's recorded votes chart) & final passage vote of conference report	Report number and number of pages in conference report (page numbers from PDF version where possible)	Time between Floor filing and final passage & between Rules' action and final passage (rounded to nearest ½ hour)
1) H.Res. 248-E Conference on H.Con.Res. 95 FY06 Concurrent Budget Resolution, <u>plus new point of order for Appropriations bills that exceed 302(b) allocations</u> *H.Res. 242	Floor – 4/28/05-2:46 pm Rules – 4/28/05-4:30 pm	4/28/05 8:30 pm 214-211 (#149)	109-62 91 pages	6 hours 4 hours <u>3-day layover waived</u>
2) H.Res. 258-E Conference on H.R. 1268 Emergency Supplemental Iraq, Afghanistan, Tsunami Approps., Real ID <u>& Sec.2 on Judiciary Report on H.R. 748</u>	Floor – 5/3/05-11:50 pm Rules – 5/4/05-5:00 pm	5/5/05 2:04 pm 368-58 (#161)	109-72 188 pages	1 day 14 hours 21 hours <u>3-day layover waived</u>
3) H.Res. 392-E Conference on H.R. 2361 Interior FY06 Approps.	Floor – 7/26/05-11:47 pm Rules – 7/27/05 – 8:45 pm	7/28/05 5:47 pm 410-10 (#450)	109-188 164 pages	1 day 18 hours 21 hours <u>3-day layover waived</u>

4) H.Res. 394-E Conference on H.R. 6 Energy Policy Act	Floor – 7/27/05-1:22 pm Rules – 7/27/05-8:45 pm	7/28/05 1:10 pm 275-156 (#445)	109-190 567 pages	24 hours 16 ½ hours <u>3-day layover waived</u>
5) H.Res. 396-E Conference on H.R. 2985 Legislative Branch FY06 Approps.	Floor – 7/26/05-11:46 pm Rules – 7/27/05-8:45 pm	7/28/05 5:55 pm 305-122 (#451)	109-189 41 pages	1 day 18 hours 21 hours <u>3-day layover waived</u>
6) H.Res. ____ - E Conference on H.R. 3 TEA-LU Highway Reauthorization 1st rule *H.Res. 393-rule not used Rule reported but not filed-rule not used	Floor – 7/28/05-6:59 pm Rules – 7/28/05-10:15 pm	See 2nd rule (#7) next vote	See 2nd rule (#7) next vote	See 2nd rule (#7) next vote <u>3-day layover waived</u>
7) H.Res. 388-E Conference on H.R. 3 TEA-LU Highway Reauthorization 2nd rule Rule done by u/c on House Floor	Floor – 7/28/05-6:59 pm Rules – 7/29/05-(Leg day of 7/28/05)- 12:30 am	7/29/05 11:38 am 412-8 (#453)	109-203 1231 pages	16 ½ hours 11 hours <u>3-day layover waived</u>
8) H.Res. 474-E Conference on H.R. 2360 Homeland Security FY06 Approps.	Floor – 9/29/05-5:30 pm Rules – 9/29/05-6:30 pm	10/6/05 8:43 pm 347-70 (#512)	109-241 104 pages	7 days 3 hours 7 days & 2 hours

9) H.Res. 520-E Conference on H.R. 2744 Agriculture FY06 Approps.	Floor – 10/26/05-6:37 pm Rules – 10/27/05-4:30 pm	10/28/05 11:34 am 318-63 (#555)	109-255 109 pages	1 day & 17 hours 19 hours <u>3-day layover waived</u>
10) H.Res. 532-E Conference on H.R. 3057 Foreign Operations, Export Financing FY06 Approps.	Floor – 11/2/05-8:42 pm Rules – 11/3/05-3:25 pm	11/4/05 11:13 am 358-39 (#569)	109-265 128 pages	1 day 14 ½ hours 20 hours <u>3-day layover waived</u>
11) H.Res. 538-E Conference on H.R. 2862 Science, State, Justice, Commerce FY06 Approps.	Floor – 11/7/05-6:32 pm Rules – 11/8/05-5:45 pm	11/9/05 3:04 pm 397-19 (#581)	109-272 212 pages	1 day 20 ½ hours 21 ½ hours <u>3-day layover waived</u>
12) H.Res. 539-E Conference on H.R. 2419 Energy & Water Development FY06 Approps.	Floor – 11/7/05-7:24 pm Rules – 11/8/05-5:45 pm	11/9/05 2:55 pm 399-17 (#580)	109-275 199 pages	1 day 19 ½ hours 21 hours <u>3-day layover waived</u>
13) H.Res. 559-E Conference on H.R. 3010 Labor/HHS/Education FY06 Approps 1st conference report (failed)	Floor – 11/16/05-9:10 pm Rules – 11/17/05 (leg day of 16 th) - 7:00am	Conference report failed 11/17/05 2:13 pm 209-224 (#598)	109-300 182 pages	17 hours 7 hours <u>3-day layover waived</u>

14) H.Res. 564-E Conference on H.R. 2528 Military Quality of Life & Veterans Affairs FY06 Approps	Floor - 11/18/05 (leg day of 17 th) – 1:50 am Rules – 11/18/05 (leg day of 17 th) – 8:00 am	11/18/05 12:47 pm 427-0 (#604)	109-305 77 pages	11 hours 5 hours <u>3-day layover waived</u>
15) H.Res. 565-E Conference on H.R. 3058 Transportation, Treasury, HUD, DC FY06 Approps	Floor – 11/18/05 (leg day of 17 th) – 5:30 am Rules – 11/18/05 (leg day of 17 th) – 8:00 am	11/18/05 1:05 pm 392-31 (#605)	109-307 308 pages	7 ½ hours 5 hours <u>3-day layover waived</u>
16) H.Res. 595 Conference on H.R. 3199 USA Patriot Improvement & Reauthorization Act of 2005	Floor – 12/8/05 – 5:51 pm Rules – 12/13/05 – 6:00 pm	12/14/05 2:07 pm 251-174 (#627)	109-333 118 pages	5 days 20 hours 20 hours
17) H.Res. 596-E Conference on H.R. 3010 Labor/HHS/Education FY06 Approps 2nd conference report	Floor – 12/13/05 – 3:00 pm Rules – 12/13/05 – 6:00 pm	12/14/05 3:40 pm 215-213 (#628)	109-337 182 pages	24 ½ hours 21 ½ hours <u>3-day layover waived</u>
18) H.Res. 639-E Conference on H.R. 2863 Department of Defense FY06 Approps *H.Res. 632	Floor – 12/18/05 - 11:54 pm Rules – 12/19/05 (leg day of 18 th) – 1:00 am	12/19/05 (leg day 18 th) 5:04 am 308-106 (#669)	109-359 533 pages	5 hours 4 hours <u>3-day layover waived</u>

19) H.Res. 640 Conference on S. 1932 Deficit Reduction Act of 2005 (reconciliation) *H.Res. 632	Floor – 12/19/05 (leg day of 18 th)-1:13 am Rules – 12/19/05 (leg day of 18 th) - 1:30 am	12/19/05 (leg day 18 th) 6:07 am 212-206 (#670)	109-362 367 pages	5 hours 4 ½ hours <u>3-day layover waived</u>
--	--	---	--------------------------	--

